

ALIOTO LAW FIRM

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July 15, 2020

Via ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *John Nypl, et al. v. JP Morgan Chase & Co et al.*, No. 15-cv-9300 (LGS)

Dear Judge Schofield:

I write on behalf of the *Nypl* Plaintiffs in response to Defendants' letter filed today, July 15, 2020. (Dkt. No. 586).

On June 19, 2020, in response to interrogatories served by Plaintiffs, the Defendants, for the first time, served the declarations of Jo-Anne Rivet, Bohdan Kunyk, and David C. Drago, which Plaintiffs believe constitutes new evidence.¹ As Defendants' letter concedes, Plaintiffs promptly served deposition notices on June 29, 2020, for depositions to be conducted on July 14, July 16, and July 17.² Those dates and times have never been modified. During the course of various communications and meet and confers, Defendants refused to produce these witnesses for deposition, and Plaintiffs continued to inform Defendants that they intended to proceed with the depositions as scheduled. No Defendant claimed that they were unavailable or unable to proceed on the noticed dates.

Despite being on notice of these depositions since June 29, 2020, Defendants waited until approximately three hours before the first deposition was scheduled to commence to file a letter motion to quash the notices of deposition. Defendants offer no credible explanation for their eleventh-hour joint letter motion.

Accordingly, Plaintiffs respectfully submit that the relief sought in Defendants' July 15 letter is neither warranted nor justified.

¹ An explanation of the new evidence included in Defendants' declarations will be set forth more fully in Plaintiffs' July 21 submission.

² Defendants' letter incorrectly claims that Plaintiffs' "re-noticed" the depositions. The depositions have been noticed for the same dates and times since June 29. Plaintiffs merely provided the Zoom conference link for the deposition upon receipt from the court reporter.

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Respectfully submitted:

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By: /s/ Joseph M. Alioto
Joseph M. Alioto

cc: All Counsel of Record via ECF